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REMARKS

By virtue of this amendment, claims 1 and 3 are amended to delete quaternary ammonium salts from the Markush group of the antimicrobial agent, component iii) of the claimed composition.

No claims are cancelled or added. Claims 1-8, 13-18, 23 and 24 are presented for further examination. Applicants submit that no new matter is added herein.

Claim Rejections under 35 USC § 103

Payne et al. (US 5,700,742) in view of North (US 5,352,372)

Claims 1-8, 11-24, and 27 stand rejected as allegedly being obvious over the combined teachings of Payne et al. (U.S. Patent No. 5,700,742) and North (US 5,352,372).

Applicants maintain the position that Payne et al. discloses a composition requiring the presence of a strong organic acid having a pK value below 4.5 or salts thereof, whereas the instantly claimed composition as recited in claims 1-8 do not.

Specifically, instant independent claims 1 and 3 are directed to a composition for inhibiting the growth of microorganisms on non-cellulosic fibres having a moisture regain of <=5% or having an acid value of <=5 mmol/kg, comprising:

i) 2 to 20 wt% of at least a self-crosslinkable resin;

ii) 0.25 to 20 wt% of at least a catalyst selected from the group consisting of MgCl2, ammonium chloride, ammonium sulphate, ammonium salt of boric acid, and combinations thereof;

iii) 0.1 to 4 wt% of at least an antimicrobial active agent, reactive with the resin, said antimicrobial active agent being selected from the group consisting of biguanides, monoguanides, and combinations thereof; and

iv) 75 to 97 wt% of water;

wherein i) + ii) + iii) + iv) = 100%. (emphasis added)

From the specification, it is readily apparent that component i), self-crosslinkable resin is not a strong organic having a pK value below 4.5 or salts thereof.

Component ii) is a catalyst selected from the group consisting of $MgCl_2$, ammonium chloride, ammonium sulphate, ammonium salt of boric acid, and combinations thereof. The corresponding acids of $MgCl_2$, ammonium chloride and ammonium sulphate are ***inorganic*** acids, not organic acids having a pK value of less than 4.5 as required by Payne et al. Accordingly, $MgCl_2$, ammonium chloride, and ammonium sulfate fall outside of the scope of the strong organic acids or the salts thereof mandated by Payne.

Boric acid is an organic acid. However, it is a weak organic acid having a pK value of greater than 4.5. Indeed, at Table 1, column 7, Payne indicates that when boric acid was used, the treated fabric turned yellow (Comparative Example E). Accordingly, ammonium salt of boric acid falls outside of the scope of the strong organic acids or the salts thereof mandated by Payne. Therefore, component ii) of the instantly claimed invention is not the strong organic acid or the salts thereof required by Payne.

Component iii) of the instantly claimed composition is an antimicrobial active agent selected from the group consisting of biguanides, monoguanides, and combinations thereof. As it is readily understood by a person of ordinary skill in the art, neither biguanides nor monoguanides are strong organic acid or salts thereof.

Component iv) of the instantly claimed composition is water, which clearly falls outside of the scope of strong organic acid or the salts thereof required by Payne.

Based on the above discussion, it is Applicants' position that none of component i), ii), iii) and iv) contained in the instantly claimed composition fall under the scope of strong organic acid or the salts thereof required by Payne.

Furthermore, instantly claimed composition requires that the total amount of components i), ii), iii) and iv) is 100%. Therefore, the instantly claimed composition does not contain a

strong organic acid having a pK value of less than 4.5 and the salts thereof required by Payne. Therefore, Payne does not disclose or suggest the composition recited in instant claims 1-8.

North discloses a composition for treating textile fabrics containing DMDHEU or alkylated DMDHEU and dimethyl acetoacetamide.

Applicants respectfully submit that there is no motivation to combine Payne and North. Further, it is respectfully submitted that the combination does not disclose or suggest the instantly claimed composition because the combination suggests a composition containing a strong organic acid having a pK value of less than 4.5 or the salts thereof, whereas the instantly claimed composition does not.

Instant claims 13-18, 23 and 24 requires the limitations of instant claim 1 or claim 3. Accordingly, for at least the same reasons discussed above, Payne and North does not disclose or suggest, either alone or in combination, the invention recited in claims 13-18, 23, and 24.

For the above reasons, Applicants respectfully submit that the 103 rejections based on Payne et al. in view of North are untenable and should be withdrawn.

It is believed that the instant claims are now in condition for allowance. Accordingly, an early receipt of a Notice of Allowance is respectfully requested.

If the Examiner has any questions or believes that a discussion with Applicants' attorney would expedite prosecution, the Examiner is invited and encouraged to contact the undersigned at the telephone number below.

Please apply any credits or charge any deficiencies to our Deposit Account No. 23-1665.

Respectfully submitted,
John D. Payne et al.

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